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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,124	12/28/2001	Paul Bourguine	1394-01	4810
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EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/046,124

Applicant(s)

BOURGINE, PAUL

Examiner

THJUAN K. ADDY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on November 07, 2008 has been entered. Claims 1, 7, and 10 have been amended. Claim 2 has been cancelled. No claims have been added. Claims 1 and 3-16 are still pending in this application, with claims 1, 7, and 10 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/07/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Smith (US 5,822,400).
4. In regards to claims 1, 7, and 10, Gross discloses a process and communication device for management of data transfer to a specific destination station having a plurality of real addresses, the process being applied to a multiplicity of telecommunications supports (See Abstract and col. 1-2 lines 66-6) and comprising: defining a virtual address (e.g. toll free 800 number or 888 number) of a destination station, said destination station having a plurality of real addresses (See col. 3-4 lines 65-6 and col. 4 lines 14-19); sequentially searching through the real addresses according to one of a plurality of time-related sequences (See Abstract, col. 3-4 lines 65-9, and col. 9-10 lines 63-14) until obtaining a positive response (for example, until a live answer is reached) from a real address establishing a communications channel, said time-related sequence being a predetermined ordered sequence (See col. 1 lines 53-60); and transferring data by the communication channel (See col. 9 lines 29-62). Gross, however, does not disclose storing in a memory, time-related communication parameters concerning each failure in the establishment of a communications channel, and each success in the establishment of a communications channel; processing said

time-related communications parameters stored in the memory by correlating at least one of the time-related communications parameters with failure and success in establishing the communications channel with the real address; and determining a new order of the time-related sequence for sequentially searching through the real addresses based on the correlation. Smith, however, does disclose storing in a memory (e.g., historical call data 35/historical call data storage 33a and/or call record priority table 34, See Fig. 2, col. 4 lines 33-40, col. 5 lines 17-29, and col. 5 lines 40-53), time-related communication parameters (e.g., time when a called party is most likely to be reached/answer the phone and/or the time zone/time range pertaining to a particular called party, such as when it is as appropriate time to place a call to the called party, See col. col. 5 lines 17-29, and col. 5 lines 40-53) concerning each failure in the establishment of a communications channel, and each success in the establishment of a communications channel; processing said time-related communications parameters stored in the memory by correlating at least one of the time-related communications parameters with failure and success in establishing the communications channel with the real address (See col. 3 lines 4-18); and determining a new order of the time-related sequence (e.g., order) for sequentially searching through the real addresses based on the correlation (See col. 4 lines 17-20). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these limitations within the system, as a way of providing a call scheduling system that can prioritize calls to called parties based upon call history, success rate, failure rate, and time.

5. In regards to claim 3, Gross discloses all of claim 3 limitations, except the process, wherein the processing performed on the time-related communications parameters stored in the memory is an iterative learning process. Smith, however, does disclose the process, wherein the processing performed on the time-related communications parameters stored in the memory is an iterative learning process (See col. 5 lines 17-29, and col. 5 lines 40-53).

6. In regards to claim 4, Gross discloses all of claim 4 limitations, except the process wherein the iterative learning process uses a neural network. Smith, however, does disclose the process wherein the iterative learning process uses a neural network (See col. 5 lines 17-29, and col. 5 lines 40-53).

7. In regards to claim 5, Gross discloses all of claim 5 limitations, except the process, wherein the processing performed on time-related communications parameters stored in the memory is a statistical processing. Smith, however, does disclose the process, wherein the processing performed on time-related communications parameters stored in the memory is a statistical processing (See col. 4 lines 33-40, col. 5 lines 17-29, and col. 5 lines 40-53).

8. In regards to claim 6, Gross discloses the process, wherein the communication parameters are selected from the group consisting of date and time (See col. 9-10 lines 63-14). Smith also discloses the process, wherein the communication parameters are selected from the group consisting of date and time (See col. 5 lines 17-29, and col. 5 lines 40-53).

9. In regards to claim 8, Gross discloses the process, wherein one of the time-related communications parameters is time of day (See col. 9-10 lines 63-17). Smith also discloses the process, wherein one of the time-related communications parameters is time of day (See col. col. 5 lines 17-29, and col. 5 lines 40-53).
10. In regards to claim 9, Gross discloses the process, wherein one of the time-related communications parameters is day of week (See col. 9-10 lines 63-17). Smith also discloses the process, wherein one of the time-related communications parameters is day of week (See col. col. 5 lines 17-29, and col. 5 lines 40-53).
11. In regards to claim 11, Gross discloses the process, wherein establishing a communications channel is performed by selectively choosing an outgoing telecommunication network (for example, the router decides which address/number/destination to forward the call, such as to a home phone, cellular phone, work phone, voicemail, etc.) (See col. 2 lines 21-40).
12. In regards to claim 13, Gross discloses all of claim 13 limitations, except the process, wherein determining a new order of the sequence is performed each time an attempt is made to establish a communications channel. Smith, however, does disclose the process, wherein determining a new order of the sequence is performed each time an attempt is made to establish a communications channel (See col. 4 lines 17-20).
13. In regards to claim 14, Gross discloses the process, wherein sequentially searching is performed automatically (See col. 1 lines 53-60). Smith also discloses the

process, wherein sequentially searching is performed automatically (See col. 4 lines 17-20).

14. In regards to claim 15, Gross discloses the process, wherein sequentially searching is performed semi-automatically in a way that an operator provides an extra service (See col. 5 lines 58-65).

15. In regards to claim 16, Gross discloses the process, wherein said extra service is at least one selected from the group consisting of interpretation of a party's requests, searching for or supplying information, scheduling appointments and interactive filtering (See col. 5 lines 58-65 and col. 6 lines 9-24).

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Smith (US 5,822,400), and in further view of Pokress (US 6,169,791).

17. In regards to claim 12, Gross and Smith disclose all of claim 12 limitations, except the process, wherein said selective choice is performed according to a least cost routing process. Pokress, however, does disclose the process, wherein said selective choice is performed according to a least cost routing process (See Abstract and col. 2 lines 19-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of providing a least cost call routing system, which allows subscribers to save significantly and automatically on a call-by-call basis for each telephone call made anywhere in the world (See Pokress, col. 1 lines 58-63).

Response to Arguments

18. Applicant's arguments with respect to claims 1 and 3-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614

